

FIRST WITNESS IN RIOT TRIAL

(From Saturday's Advertiser.)

The actual trial of the thirteen Japanese charged with rioting at Waipahu on June 8, began in Judge Robinson's department of the Circuit Court at 7:30 o'clock last night.

The jury was secured and completed within an hour after the convening of the court session, the members of the jury being as follows:

George H. Harbottle, John H. Jones, J. S. Azevedo, William L. Austin, Fred Goudie, Fred Meyers, Daniel H. Daller, William F. Buckle, George E. Bruns, John A. Legros, Albert Ludloff and Moreno Hulu.

The first witness placed on the stand by the prosecution was Eugene M. Seville, an employee of the Oahu Sugar Company, who was acting as a special police officer on the day of the riot.

Attorney Lightfoot began a series of rapid fire objections to the questions that were put to the witness by Mr. Kinney of the prosecution. He objected to the asking of questions that tended to show the circumstances and conditions existing among the Japanese laborers on the premises of the Oahu Sugar Company immediately preceding the disorder. He objected to the prosecution proving that Mr. Seville was a regularly commissioned police officer without pay. The first exhibit of the prosecution was finally introduced in connection with establishing Seville's authority—a commission duly signed by Sheriff Jarrett.

Seville related the pursuit of a Japanese who wished to return to work by a crowd of hundreds of his fellow countrymen. In company with Police Officer Wills, Seville stated that he went to the assistance of the laborer who was being beaten by one of the defendants. The man who committed the assault Seville positively identified as Jotaro Mikawa.

Before Seville was called to the witness stand Lightfoot moved to quash the indictment of the thirteen Japanese on the ground that the indictment referred to "Honolulu in the island of Oahu," instead of the City and County of Honolulu. He insisted that the "island of Oahu" was without legal status. The motion was denied by Judge Robinson.

It is the intention of prosecution and defense to hurry the trial to a speedy conclusion. Sessions will be held today and it is probable that the proceedings will be continued this evening.

Day Proceedings.

An attempt to secure the continuance of the charges of riot against J. Mikawa and twelve other Japanese before Judge Robinson yesterday was marked with failure, the motions by Attorney Lightfoot being overruled and a beginning made in the work of securing a jury.

The first venire was exhausted in short order and at the noon recess of the court Judge Robinson ordered the issuance of three special venires of seventy-five men in all, returnable at 1 o'clock. The time for the serving of the summons was so limited that only eleven men were presented when court convened in the afternoon and of that number only six were qualified to sit as jurors.

A fourth venire was then authorized to be issued for fifty talesmen returnable at 7:30 in the evening. Attorney Lightfoot apparently changing his attitude when he discovered that it would be impossible to secure a regular continuance, hoping to obtain a speedy disposal of the case, so as to allow him to appear as the attorney for the Japanese connected with the higher wage agitation both in the departments of Judge De Bolt and Judge Robinson.

At the morning session of court Lightfoot repeated his objection to proceeding with the trial and insisted that the Japanese accused of being rioters would be deprived of the rights guaranteed to all by the constitution of the United States. He declared emphatically that the spirit of the proceedings in "forcing" the defendants to trial was in violation of the existing treaty between the United States and Japan.

Kinney Objects.

A statement by Lightfoot that it was impossible to secure another attorney who was willing to enter a case in opposition to the interests of the sugar industry brought forth an objection from Mr. Kinney of the prosecution, who replied that such an allegation was an insinuation against all the members of the bar and was not warranted by any reliable evidence.

Lightfoot then qualified his assertion by saying that he did not wish to make insinuations against any member of the bar, but reiterated that a lawyer could not be secured to assist in the defense of the Japanese without the payment of a retaining fee out of all proportion to the value of the services to be rendered.

In the course of his argument Lightfoot said that it was an absolute injustice to compel the defendants to go to trial with new counsel, conceding the possibility that they were able to secure counsel other than himself. Lightfoot said that he was familiar with the statements of each of the defendants, and that it would take several days for other counsel to familiarize himself with the details of the defense.

In an effort to expedite proceedings Mr. Kinney and Lightfoot propounded a number of questions bearing upon qualifications, to the jury collectively, instead of the usual method of examining one man at a time. The jurors were asked if they were the holders of any sugar stock or whether their near relatives were interested financially in the sugar industry of the Territory.

Judge Robinson said that he did not see why the holding of stock in the Oahu Sugar Company, on the premises of which the alleged riot occurred, should constitute a disqualification since the Oahu Sugar Company was not a complainant in the case and that the case at bar did not differ from any other involving a breach of the peace.

The Stock Question.

The attorneys for the prosecution and the defense were willing to follow out the general intent of the agreement that was used as a basis for the ex-

LARGE SURPLUS IS EXPECTED

Approximately a quarter of a million dollars will be left in the Territorial Treasury as a surplus at the close of the present biennial period on June 30th. There is a considerable difference between this figure and the estimated deficit of \$69,000 that was submitted to the last Legislature.

The approximate surplus of \$250,000 has been largely increased through the receipt of the \$30,000 judgment against Cotton Brothers & Company, and the \$23,000 received from the Federal Government as reimbursement for the money expended by the Territory for the construction of lighthouses.

The unexpended balance on departmental appropriations will also reach a considerable figure. A policy of strict economy has been practiced in the operating expenses of the Government departments, all of which has contributed to the large surplus that is expected by the Territory.

Appropriation Balances.

Acting Treasurer Hemenway stated yesterday that possibly one half of the total amount of the expected surplus would be derived from the balances left in the department appropriations for the last period. The fact that unpaid bills are outstanding leaves in question of the exact amount of the surplus on a rather tentative basis, but it is believed that the estimate of \$250,000 surplus is justified.

Increased receipts from land taxes has also been one of the causes for the conditions of plenty that will prevail in the Territorial Treasury with the closing of the biennial period. The statement by Governor Frear that the finances of the Territory are in a state that will assure peace of mind to those connected with the executive department of the Government has been made with a full knowledge of existing conditions.

MAKINO AND NEGORO CALL ON GOVERNOR

Among the callers at the Capitol yesterday were Makino and Negoro, the two leaders in the higher wage agitation among the plantation laborers. They called on Governor Frear to present their views on the strike situation.

After the departure of Makino and Negoro the Governor stated that they said they believed that they had not been fairly dealt with and that the laborers had no intention of creating trouble, and that all connected with the strike deprecated any attempt that might eventuate in trouble.

Makino and Negoro also told Governor Frear that all the laborers desired was the same remuneration for their services as was received by workmen of other nationalities.

Formal complaint was also lodged with Governor Frear by Makino and Negoro against the seizure of their papers, and they also asked that he assist in seeing that they secured in the future what they considered to be justice.

A GOOD SUMMER REMEDY.

At this season diarrhoea and dysentery are always prevalent. Chamberlain's Colic, Cholera and Diarrhoea Remedy is the best medicine obtainable for trouble of this kind. For sale by all dealers, Benson, Smith & Co., agents for Hawaii.

At the morning session of court Lightfoot repeated his objection to proceeding with the trial before Judge De Bolt. This was, in effect, that any juror who owned stock in a sugar plantation, or whose near relatives owned sugar securities, would be excused by consent. Judge Robinson did not seem to think that there was any necessity for pursuing such a policy in the case before him, since the plantation could not be directly or indirectly concerned in the outcome of the trial.

Mr. Kinney said that he thought the view taken by the court was correct, but that in view of the prevailing conditions he believed it would be well to secure a jury whose impartiality could not be challenged upon any ground. He admitted that there was no legal reason why jurors should be excused upon the grounds mentioned, but added that he felt that it would contribute to securing an absolutely impartial jury.

The discussion resulted from the calling of Admiral Beckley into the jury box. In response to a question as to whether he was the owner of any stock in the Oahu Sugar Company he replied in the negative, but added that his "better half" did hold some of the plantation's securities.

The principle that a juror whose relatives hold plantation stock would be considered as disqualified was finally accepted by Judge Robinson and Admiral Beckley was excused, apparently much to his relief.

The special venire of fifty talesmen, returnable in the evening, was placed in the hands of Sheriff Jarrett shortly after 2 o'clock in the afternoon and the deputies of the Sheriff's office with several assistants immediately began the work of locating the new veniremen.

The argument on the demurrer filed by Attorney Lightfoot to the charge against Soga, Tasaka and Kawamura of being disorderly persons, will be heard by Judge De Bolt this morning. Lightfoot will attack the general sufficiency of the charge against the three leaders.

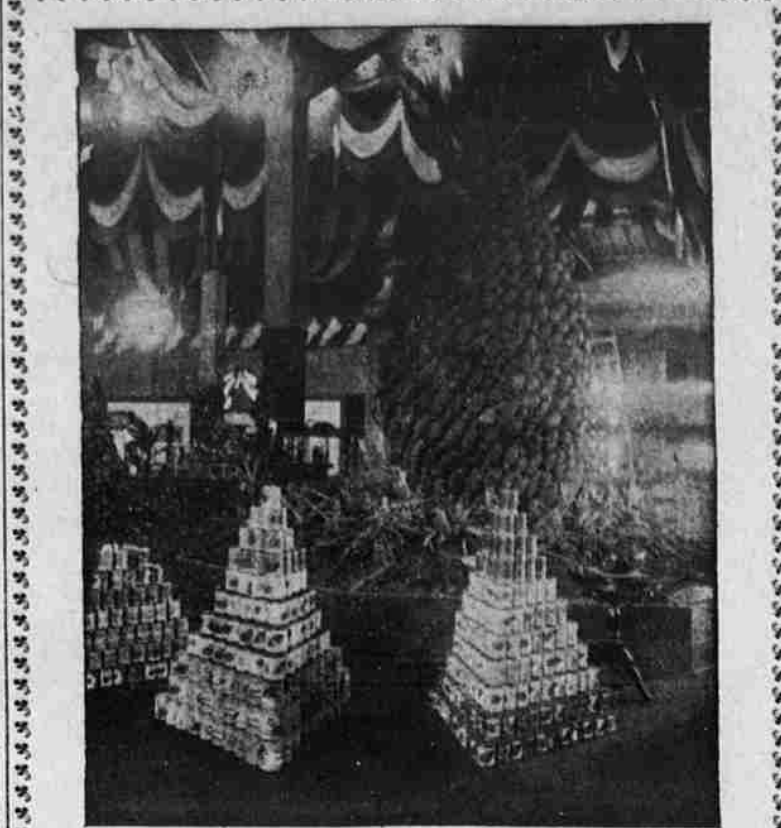
Arrest Tobacco Dealers.

Goo Wan Hoy and Pang Lee Choy were arrested yesterday by U. S. Marshal Hendry on the charge of having violated the Internal Revenue regulations governing the stamps on cigar boxes.

According to the allegation against the men they sold cigars out of refilled boxes, failing to cancel the stamps.

Such cases are usually settled with the Collector of Internal Revenue, but Goo Wan Hoy and Pang Lee Choy declare that they are innocent of the charge against them and will contest the case.

KILAUEA SMOKES VISITORS AT SEATTLE EXPOSITION



GREAT PINEAPPLE IN THE HAWAII BUILDING.

Floating Islands an Attraction---Hawaii's Exhibition Is Unique and Receives Generous Praise.

A miniature representation of Kilauea under the noses of visitors to the Hawaii building at the Alaska-Yukon Exposition at Seattle, with even the smell of sulphur permeating the atmosphere to give a more realistic touch to the illusion, is one of the feats accomplished by those who planned to make the Hawaii exhibit the unique one of the whole exposition.

And those who have seen and returned to Honolulu say that Hawaii's exhibit is far different from any other and its details worked out so interestingly that the results will stick in the memory of exposition visitors when they have forgotten those of Washington, Oregon and Alaska.

Willis T. Pope, who has just returned from Seattle, where he installed the relief maps of the Hawaiian Islands, which are shown in a great tank of water as if resting in the bosom of the Pacific ocean, says that this feature is attracting general attention and people gaze into the tanks for hours. In fact interest has so centered on the maps that some one of the attendants is generally stationed at the tank to point out various features and explain them.

The tank rests in the center of the building. The islands are shown in their relative positions in a great concrete tank 51 feet long and rise above the blue water, which represents the Pacific ocean. The horizontal scale is one mile to the inch and the vertical scale 3500 feet to the inch. The islands are built up from the bottom of the tank on concrete bases. The bases and tank have been painted so that the water shows deep green for deep places shading off light at the shore line. The water gives life to the scene. The maps are painted in colors so as to show the geological formation, variation in vegetation, agriculture, forest reserves and transportation facilities. The political divisions are marked and the location of towns, government roads, lighthouses, fortifications and military reservations given. Even the locations of the great guns to be mounted in the fortifications are marked. The name of each island is in raised letters on the edge of the tank. The crater of Kilauea is so arranged as to show a haze of smoke issuing from the Halemaumau pit, and by a strange coincidence this is blown directly over the Kau desert, as if the regular Hawaiian trade wind was blowing even in the Hawaii building. This is caused by a draft blowing through one of the doors. The smoke effect is caused by punk stick treated with sulphur the smoke passing up a tube through the map.

The school exhibit is attracting marked attention. It is so systematically arranged by Mr. King, grade by grade, that it can be followed easily, which can not be said of the school exhibits from the Northwestern States and Alaska. The school exhibit is pronounced by those interested in education to be one of the finest ever shown.

The Hawaiian girls who are acting as hostesses seemed to have charmed all visitors and many came there inquiring for this or that one, so as to ask more questions about the Islands. They have made friends everywhere and the wisdom of their selection rests in the popularity which they have given to the Hawaii section. The Hawaiian singers under Ernest Kaai are also another great attraction. Before they arrived there were many requests for information as to when they would be on hand.

Mr. Pope states that his exhibit was placed in a very few days after the arrival of the Dix, every one working day and night to get it in shape. However, while they were working visitors thronged the building. The fish were extremely lively on arrival and the crowds around the tanks are so dense that people wait for very long periods just to catch a glimpse of the wonderful fishes with the beautiful markings and colorings. This exhibit has been given much space in the newspapers of Seattle.

"The Hawaiian exhibit differs entirely from all others," said Mr. Pope yesterday, "not only that the materials are different, but it is unique in itself."

On approaching the building, the visitor comes across a great pyramid of coconuts, 12 or 14 feet high. Hundreds of visitors never before saw a coconut. It is something they will always remember. Entrance into the building is made through a kukunut portiere, a feature that never fails to attract. There are about 1600 nuts in the portiere. Above this is a colored plate design of the Hawaiian coat-of-arms and the Hawaiian flag is also draped over the entrance. Nearby is Gurry's photographic representations of Hawaiian types, and near that is Howard Hitecock's art exhibit. Both of these have attracted much attention.

Just within is the koa information booth, which is a center in more ways than one. At times the crowds are so dense about it that more than one person has to help in giving out information. On this counter is the book register furnished by the Hawaiian Gazette Company. To the left is the sugar palace which is a model of the Capitol. In this is being displayed all forms of sugar making, from the cane to the sacked product, and after that the refined product. The outside of the building is coated with brown crystal sugar, furnished by the sugar planters here.

To the right of the information booth is the display of Hawaiian woods from the Bureau of Forestry, of Honolulu, and near it a large and beautiful display of polished koa furniture. Near this is the sisal house made entirely of products of the sisal companies. In this is shown all manner of things made from sisal. There is also a tower of bananas which is a picturesque feature. Other Hawaiian fruits, preserved, are shown on shelves. The pineapple display is excellent. A huge pineapple made up of hundreds of large pines, rises to a height of 25 feet. It is surrounded by miniature fields showing growing plants. Beyond these are pyramids of canned pineapples showing the labels of all pines exported from the islands. They have a good supply on hand. The fresh fruit as well as the canned product sells well. A large part of the floor space is given up to koa tables where sliced pines are served to the public at a nominal price. The sales have often averaged \$100 per day. Alonzo Gartley came in one day and was asked to eat a plateful. He did so and said it was the first time he had ever eaten canned pineapples. His comment was: "Isn't it good?"

The coffee exhibit is also very fine. In fact the Hawaii building is attracting the visitors day after day in huge crowds. Both Mr. Knudsen and Mr. Childs are laboring unceasingly both in the exhibit hall and in the lecture room and they have their hands full, even with Will Cooper present to look after publicity matters. It is conceded that the plan of Mr. Morgan to have Mrs. Frances King Headlee go to Seattle to lecture so as to relieve Mr. Knudsen and Mr. Childs of this work, is an excellent one and will no doubt meet with the hearty approval of the two commissioners on the ground.

WEST POINT, June 11.—There were 103 members in the graduating class including two Chinese, Wen and Chen, and a Hawaiian. Originally the class numbered 165, but many were dropped for deficiency. In presenting a diploma to Stuart C. Godfrey of Milford, Mass., who has had the place at the head of the class since he entered four years ago, Secretary Dickinson offered his congratulations. When the name of G. V. Wilkes of Utah was called, Gen. Marshall, chief of engineers, asked and was given permission to deliver the diploma.

Wen, the Chinese, was No. 82 in the class, while Chen was 103. The Hawaiian is A. K. B. Lyman, who is No. 15 and will get a place in the engineer branch of the service. When Wen's name was called there was loud cheering, and Chen was even more heartily applauded.

LLOYD CONKLING WILL BE NAMED AS TREASURER

It is believed that Governor Frear has practically decided upon the appointment of David Lloyd Conkling as Treasurer of the Territory, succeeding to the place formerly held by A. J. Campbell.

While the appointment has not been formally announced, Mr. Conkling has been summoned back from Hawaii and will return to Honolulu on the Mauna Loa Tuesday, in time to prepare for the commencement of his duties as Treasurer on July 1, the beginning of the new biennial period.

For the past two years Mr. Conkling has been employed as Chief Clerk in the Executive Department of the Territorial Government, and during that time has earned a well deserved reputation for industry and ability, all of which has served to bring about the promotion that is to make him Treasurer of the Territory. The good work that Conkling has performed in connection with his duties as Chief Clerk of the department has been generally recognized, the last Legislature authorizing a special appropriation as a result of the assistance afforded by Conkling to the legislative committees.

Governor Frear stated yesterday that a number of considerations were necessarily involved in the selection of a new Treasurer and that the appointment of Mr. Conkling would be no reflection upon others who were willing to accept the responsibility of caring for the finances of the Territory.

"I have a very high opinion of others who were available for the position," said Governor Frear. "Mr. Conkling has shown a high order of ability in his present position and in the course of his work has had much to do with finances. He is a good all-around man."

It is probable that the announcement of Mr. Conkling's appointment will be made upon his return from Hawaii. He went to the Big Island in connection with the work of the Territorial Secretary's office in recording certificates of Hawaiian birth and was not expected to return until about July 15.

It is believed that Conkling's appointment will meet with general com-

mendation. He has not been a candidate for the place and his appointment will come from the conviction of Governor Frear that he will fulfill the duties of his new office in the manner that has characterized his work as Chief Clerk in the Executive Department.

Conkling has held the position of Chief Clerk for a period of about two years, having accepted the place shortly before the resignation of Governor Carter. He continued in office when Governor Frear became the Territory's Chief Executive.

Before becoming Chief Clerk under Governor Carter, Conkling was engaged in local newspaper work and was also in the employ of the Inter-Island Steamship Company.

The vacancy in the office of Territorial Treasurer was created by reason of the fact that the Senate declined to confirm the reappointment of A. J. Campbell. The influence of the liquor interests was strong among the members of the Upper House of the Legislature. It was through his acting as a member of the Oahu Board of Liquor Commissioners that opposition to Campbell's reappointment developed in the Senate, and the influence was strong enough to prevent his appointment being confirmed.

When Campbell's term of office expired with the adjournment of the Legislature, Attorney General Hemenway was appointed acting Treasurer. Governor Frear stated yesterday that Mr. Hemenway's services had been quite satisfactory and that a number of requests had been received from local business interests that he be allowed to continue in office. Governor Frear intimated that if the Legislature was in session, so it could give its formal approval, he might consider the proposal of consolidating the offices of Attorney General and Treasurer.

AMERICA'S SHARE IN CIVILIZING THE WORLD

MADISON, Wisconsin, June 20.—

"If I were asked of what good America was to Europe, I would say that Columbus cut large doors and windows on the west side of the old European manor, which received its ventilation only from the East. America has regenerated the old world since the sixteenth century as effectually as the influx from Central Europe regenerated it in the Middle Ages."

This was the declaration of Senor Nabuco, the Brazilian Ambassador, who today delivered the baccalaureate address to the graduating class at the University of Wisconsin. The Ambassador took for his subject "The Share of America in Civilization," and gave prominence to certain of his impressions regarding the contributions of the United States to civilization.

To his mind, said the Ambassador, the United States was a nation in some respects of a unique type, the only one approaching it being the Roman Empire when nearing dissolution. "Every other nation," he said, "is or was, composed of a race, or of separate races, speaking each its own language; you are a nation formed by the fusion of races of different languages, brought, by superior inducements, to speak only the hereditary language of the country. In other words, you are a nation formed of nations by their own will. Here lies all the difference; you are formed by free immigration, not by conquest."

America was really the New Europe. Thanks to the Monroe Doctrine, he said, America was the Continent of peace, "and this colossal peace unit, interesting deeply the regions of the earth—the whole Pacific, one could say—forms a neutral Hemisphere and balances the other Hemisphere, which we might call the Belligerent Hemisphere."

With the prodigious growth of the United States, he said, its peace sentiment would have to be tested when its national aggrandizement meets with the first serious obstacle. "The question is," he said, "if you then would not proclaim the holy national war. As yet no one could say that peace is a permanent article of faith with you, such as are democracy and religious toleration, for instance. The great fortune of mankind is that the period of your unopposed growth, permitting you to live in peace and to exercise your great moral and commercial pressure for peace, coincides with the time when the progress of civilization and probably that of science also will succeed in substituting International Law for war, or in detaching war from International Law, of which it makes yet the principal part."

He believed that nothing would do more to fix on the mind of the people of the United States the purpose of peace than Pan-Americanism. He therefore drew the deduction that "as what gives the greatest strength to your power for peace is immigration, I would classify immigration as the greatest of all contributions of America to civilization."

Immigration, not slavery, he declared, represented the true American sap. Next to immigration, the Ambassador named democracy, which he characterized as distinctly American. One could not break the chain that bound through history the evolution of an idea or a sentiment, he said, "but the American democracy is genuinely new; a new design; the ancients did not produce it, nor would Europe have produced it."

Another great contribution, he said, was the equality of social conditions among all classes of the nation.

"This," he said, "is the explanation why it has become the adoptive country, the elected home of men of all races, born and reared under the contrary principle of inequality."

Ambassador Nabuco did not believe that America was yet leading in the increase of the intellectual power of man, that is, science, but he did believe that it was already leading in the improvement of man's social condition. "I do not say alone, but with a few other nations, which look chiefly to you," for the moment, he declared, no one could say if the new American political economy is or not one of the great contributions of the United States to civilization. "The Universities of America," he maintained, "are watch-towers admirably prepared to follow the progress of the economical evolution and to solve in time the riddle of the Sphinx."

One thing was sure, he said, with emphasis, the age of Franklin would not end in history as the age of Midas.

Coming to the question of American education, Ambassador Nabuco declared that it seemed to be the only one that was not wholly conventional. "You alone," he said, "give as the greatest of all human teachings, self-reliance. And, new to mankind, you teach self-reliance not only to men but to women. There never existed in the world such a youth of both sexes with the same training for life. You plunge them, since the childhood, in a bath that gives to both the strength and the elasticity of steel. You have changed the rhythm of life; you write it in quick tempo, and the world is catching from you the spirit of rapid transformation, and is writing it also in the American prestissimo instead of the old adagio."

Among the other great contributions, the Ambassador mentioned American inventions.

As for Latin America, the Ambassador said it was rather early to speak of the part assigned it in history. "We have not yet been ordered to enter the stage; the plays of God are very long ones; his acts are ages," he said. Up to now, however, he said, Latin America had done a considerable work of civilization against great difficulties and he believed that nowhere could be selected finer types of man and woman than among its different nations. "We hope," he said in conclusion, "we do honor to our native stocks and that we show, compared to them, traits of the same evolution as you present compared to the English race."

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